

**LITTLER MENDELSON, P.C.**

Ivan R. Novich (N.J. Bar No. 038311996)  
Rachel Simone Frey (N.J. Bar No. 217592017)  
One Newark Center, 8th Floor  
Newark, New Jersey 07102  
P: (973) 848-4700  
E: inovich@littler.com  
E: rfrey@littler.com  
*Attorneys for Defendant*  
*Wayfair LLC*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

DARRYL GAINES,

Civil Action No. 1:21-cv-15843-KMW-EAP

Plaintiff,

v.

WAYFAIR, LLC and JOHN DOES 1-5  
AND  
6-10,

*Via ECF*

Defendant.

**DEFENDANT'S  
CERTIFICATION OF SERVICE**

**RACHEL SIMONE FREY**, of full age, hereby certifies as follows:

1. I am an attorney-at-law admitted to practice before the bar of this Court and I am an associate at the law firm of Littler Mendelson, P.C., counsel for Defendant Wayfair LLC (“Defendant”), in the above-captioned action. This certification is based on my personal knowledge.

2. On March 8, 2024, I caused the following documents to be electronically filed with the Clerk, United States District Court, District of

New Jersey and served via ECF on Costello & Mains, LLC, counsel for Plaintiff Darryl Gaines (“Plaintiff”):

- (a) Defendant’s Notice of Motion for Summary Judgment Under FED. R. CIV. P. 56;
- (b) Defendant’s Brief in Support of Motion for Summary Judgment;
- (c) Defendant’s Rule 56.1 Separate Statement of Undisputed Material Facts in Support of Motion for Summary Judgment;
- (d) Declaration of Rachel Simone Frey, Esq. in Support of Defendant’s Motion for Summary Judgment, with exhibits;
- (e) Declaration of Shellie Weber in Support of Defendant’s Motion for Summary Judgment, with exhibits;
- (f) a Proposed Order; and
- (g) this Certification of Service.

3. I certify under penalty of perjury that the foregoing statements made by me are true.

Dated: March 8, 2024

/s/Rachel Simone Frey

Rachel Simone Frey, Esq.